

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1374

AN ACT to amend the Indiana Code concerning business and other associations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 23-14-42.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 42.5. Burial With Law Enforcement Animals or Service Animals

Sec. 1. As used in this chapter, "animal" refers to a:

- (1) law enforcement animal; or**
- (2) service animal.**

Sec. 2. As used in this chapter, "burial plot" means an individual grave space that is used or intended to be used for the interment of the remains of a deceased individual.

Sec. 3. As used in this chapter, "deceased animal" means a deceased animal:

- (1) that was owned by or assigned to assist the deceased owner during the deceased owner's lifetime;**
- (2) whose death occurs before, after, or simultaneously with the death of the deceased owner; and**
- (3) the remains of which have been cremated and placed in a temporary container or an urn.**

Sec. 4. As used in this chapter, "deceased owner" refers to the deceased record owner of burial rights in a burial plot.

HEA 1374



Sec. 5. (a) As used in this chapter, "law enforcement animal" means a dog that is owned or used by a law enforcement agency for the principal purposes of:

- (1) aiding in:**
 - (A) the detection of criminal activity;**
 - (B) the enforcement of laws; and**
 - (C) the apprehension of offenders; and**
- (2) ensuring the public welfare.**
- (b) The term includes the following:**
 - (1) An arson investigation dog.**
 - (2) A bomb detection dog.**
 - (3) A narcotic detection dog.**
 - (4) A patrol dog.**

Sec. 6. As used in this chapter, "service animal" refers to an animal trained as:

- (1) a hearing animal;**
- (2) a guide animal;**
- (3) an assistance animal;**
- (4) a seizure alert animal;**
- (5) a mobility animal;**
- (6) a psychiatric service animal; or**
- (7) an autism service animal.**

Sec. 7. (a) Subject to subsection (b), the cremated remains of a deceased animal of a deceased record owner of burial rights in a burial plot may be:

- (1) removed from the temporary container or urn described in section 3(3) of this chapter and scattered or placed on top of the deceased owner's burial plot; or**
- (2) interred on top of the deceased owner's burial plot as long as the interment of the deceased animal's cremated remains does not:**
 - (A) encroach upon or interfere with a neighboring burial plot of which the deceased owner is not the record owner;**
 - (B) involve the disinterment of:**
 - (i) the deceased owner's remains; or**
 - (ii) the remains of a deceased individual other than the deceased owner; or**
 - (C) involve the digging or penetration of earth at a depth that exceeds one (1) foot.**

The cremated remains of a deceased animal of a deceased record owner may be scattered, placed, or interred in a manner described in this subsection before, after, or in conjunction with the



interment of the remains of the deceased owner.

(b) The cremated remains of a deceased animal of a deceased record owner may be scattered, placed, or interred in a manner described in subsection (a) only if the following apply:

(1) The person or entity owning the deceased animal at the time of the deceased animal's death:

(A) consents in writing to the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a); and

(B) before the scattering, placement, or interment of the cremated remains of the deceased animal is to take place, provides the written consent described in clause (A) to the owner of the cemetery in which the deceased owner's burial plot is located;

if the deceased record owner is not the owner of the deceased animal at the time of the deceased animal's death.

(2) The deceased owner provides for or directs the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a):

(A) in the deceased owner's last will and testament;

(B) in a written designation provided to a cemetery under IC 23-14-42-2; or

(C) in a funeral planning declaration executed under IC 29-2-19.

(3) If subdivision (2) does not apply, a person who has the right under IC 23-14-31-26, IC 23-14-55-2, IC 25-15-9-18, IC 29-2-19-17, or any other applicable statute to:

(A) control the disposition of the deceased owner's remains;

(B) make arrangements for the funeral services of the deceased owner; or

(C) make other ceremonial arrangements after the deceased owner's death;

provides for or directs the scattering, placement, or interment of the cremated remains of the deceased animal in a manner described in subsection (a).



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1374

